

DEC - 6 2024

US DISTRICT COURT
WESTERN DISTRICT OF NC

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

OMAR DUPRAZ CRITTINGTON

Plaintiff,

COMPLAINT

vs.

Case No. 3:24-cv-1058-GCM

GARRY L. MCFADDEN, ERIC L.
BYRUM, KURT T. JOHNSON,
DEMETRA M. DAVIS, ALCIDES
BONILLA

Defendant(s).

A. JURISDICTION

Jurisdiction is proper in this court according to:

☒ 42 U.S.C. §1983

☐ 42 U.S.C. §1985

☐ Other (Please specify) _____

B. PARTIES

1. Name of Plaintiff: Omar D. Crittington
Address: 700 East Fourth St.
Charlotte N.C. 28202

2. Name of Defendant: Garry L. McFadden
Address: 700 East Fourth St.
Charlotte N.C. 28202

Is employed as Sheriff at MECKLENBURG County Sheriff's office
(Position/Title) (Organization) (MCSO)

Was the defendant acting under the authority or color of state law at the time these claims occurred? YES ☒ NO ☐, if "YES" briefly explain:

He is infact the Sheriff of MCSO.

3. Name of Defendant: Eric L. Byrum #3094
Address: 700 East Fourth St.
Charlotte, N.C. 28202

Is employed as Captain at MCSO
(Position/Title) (Organization)

Was the defendant acting under the authority or color of state law at the time these claims occurred? YES ☒ NO ☐, if "YES" briefly explain:

At the time Mr. Byrum was a A-shift Sergeant.

4. Name of Defendant: Kurt T. Johnson
Address: 700 East Fourth St.
Charlotte N.C. 28202

Is employed as Sergeant at MCSO
(Position/Title) (Organization)

Was the defendant acting under the authority or color of state law at the time these claims occurred? YES ☒ NO ☐, if "YES" briefly explain:

At the time was an D.A.R.T. Officer on A-shift

(Use additional sheets if necessary.)

C. NATURE OF CASE

Why are you bringing this case to court? Please explain the circumstances that led to the problem.

As a pretrial detainee I have a Eight and Fourteenth Amendment right to be protected from violence. After Sgt. Byrum abandoned the Conducted Energy Weapon (CEW) use of Force General Order #3 Tasing me twice while I was in my cell door, D.A.R.T. Officer K. Johnson failed to protect me from the

B. PARTIES

5. Name of Defendant, Alcides Bonilla
Address; 700 East Fourth st.
Charlotte N.C. 28208

Is employed as a Deputy at MCSO
YES!, the defendant was acting under the
Authority of Color of state law at the time.

At the time Mr. Bonilla was a Deputy.

6. Name of Defendant, Demetra M. Davis
Address; 700 East Fourth St.
Charlotte N.C. 28208

Is employed as an officer at MCSO
Yes!, the defendant was acting under the
Authority of color of state Law at the time.

At the time Officer Davis was a A-shift Officer.

C. NATURE OF CASE

Sergeant by ignoring a pervasive risk of harm. Then D.A.R.T. Begaind punching me in the Face a number of times, Then upon placing me in the cell officer D. DAVES beat my legs with her baton. All of these acts were done purposely, the force was applied maliciously and Sadistically for the very purpose of causing harm I was injured to the point of being sent to the ER. There action was a act of cruel and unusual punishment, and excessive use of force.

My Forth Amendment was also violated by Deputy A. Bonilla who made false statements in order to file false charges against me, which is false arrest and false imprisonment.

D. CAUSE OF ACTION

I allege that my constitutional rights, privileges or immunities have been violated and that the following facts form the basis for my allegations: (If necessary you may attach additional pages)

Amendment IV, VI, VIII and XIV deprived of life, liberty, property, Failure to protect, Cruel and unusual punishment, Use of excessive Force, False Arrest, False Imprisonment.

- a. (1) Count 1:
(2) Supporting Facts: (Describe exactly what each defendant did or did not do. State the facts clearly in your own words without citing any legal authority. Use additional sheets if necessary.)

On the 15 of April 2021 At approximately 0915 Sgt E. Byrum came into POD 6120 to inform me to stop calling Sheriff McFadden's officer. Sgt. E. Byrum was clearly

- b. (1) Count 2:
(2) Supporting Facts: (Describe exactly what each defendant did or did not do. State the facts clearly in your own words without citing any legal authority. Use additional sheets if necessary.)

E. INJURY

How have you been injured by the actions of the defendant(s)?

I sustained physical injuries. I suffer from anxiety, depression, mental anguish, pain and suffering, economical deprivation, mental duress and panic attacks.
Also lose of liberty, life and property.

F. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

Have you filed other lawsuits in state or federal court that deal with the same facts that are involved in this action? YES ☒ NO ☐

If your answer is "YES", describe each lawsuit. (If there is more than one lawsuit, describe additional lawsuits on additional separate pages, using the same outline.)

1. Parties to previous lawsuits:

Plaintiff(s): Omar D. Crittlington

Defendants(s): Garry McFadden, E. Byrum, A. Durrah, A. Jarreal
K. Johnson, D. Davis and a number of other officers.

2. Name of court and case or docket number: 3:21-cv-00314-MR
United States District Court for the Western District of N.C. Charlotte Division

3. Disposition (for example, was the case dismissed? Was it appealed? Is it still pending?)

It was Dismissed Without prejudice. But I
would like to inform the court's that The
Mecklenburg County Sheriff's office Counsel is

4. Issues raised: J. Georg Guise.

From my understanding The Marshal was unable to obtain
service. Fed. R. Civ. P. 4(m).

5. When did you file the lawsuit? November 22 2021
Date: Month/Year

6. When was it (will it be) decided? Mar. 31 2022

Have you previously sought informal or form relief from the appropriate administrative officials regarding the acts complained of in Part D? YES ☒ NO ☐

If your answer is "YES" briefly describe how relief was sought and the results. If your answer is "NO" explain why administrative relief was not sought.

I filed a number of grievance all which were dismissed.

D. Cause of Action

upset with me. I told him if the jail staff would do there job's I wouldn't have to call his office, but if I did what would happen. He replayed you'll see patten his taser. He and I got into a tense conversation about Jail staff cashing my check without my consent. D.A.R.T. Officer K. Johnson came out the bubble to make a round as I asked Sgt. Byrum what they was going to do about my money. He stated, "You beat deal with it!" as he was walking out the POD, which up set me. I yelled out Byrum you can't talk to me about the situation like a man, because everything I'm telling you about you all illegally cashing my check is true, You a bitch I am going to call McFadden right now. Walking to the phone. At this time D.A.R.T. Officer Johnson walked over to me asking me what happen. I informed him, he said Dame that's fucked up. I went on to say that's why Byrum bitch ass ran up out of here just like Officer Santos did the day befor. Which prompted Sgt. Byrum to return to the POD, stating You not going to get the money back and now your going to lockdown. I walked backwards as D.A.R.T. Officer Johnson walked in front of me. I stoped in my door still going back and forth with Sgt. Byrum when he said keep running your mouth and I'm going to tase your bitch ass. At this time Inmate Jalen Jackson stated, if you tase that man because your mad he know more police then you I'm going to brack you jaw. Sgt. Byrum looked at Inmate Jackson and yelled, "Move Johnson!" which he did. Sgt. Byrum then tased me. Inmate Jackson hit Sgt. Byrum who tased me again. His action were done maliciously and sadistically for the purpose of causing harm and to

humiliate me. When I recover I trot over to where the officer's had dog pailed on Inmate Jackson and yelled get off of him. D.A.R.T. Officer Johnson Jumped up then turned toward's me and begaind raining punchess on me in my face and head splitting my lip in half. I yelled for him to stop, which he did letting me off the floor, I staggered to my cell. D.A.R.T. Officer Johnson walked into the cell behind me as I looked in the mirror to see my lip in two half's. I turned to address D.A.R.T. Officer Johnson only to be head-butted in the face. I fell on the bunk and he once again rained down punchess on me, at some point doing this brottal beating, officer D. Davis entered the cell a begained beating my right leg with her baton stricking me about 8-10 time's brusing my leg beating me to the point that officer B. Jackson had to pull her off of me and escorted out the cell. I was taken to Atrim's ER after the situation.

Also on 04/15/2021 Deputy A. Bonilla and Sgt. E. Byrum conspired a false statement to Magistrate P. MOORE without the consent of D.A.R.T. Officer Jhonson to get a false Warrant for Arrest case NO. 22CRS-000642. This case has drug out untill the 1st of

July 2024 causing me to be re-Arrest twice causing me to lose job's, homes and car's over the past 3 years. The false charge was dismissed for lack of evindence because D.A.R.T. Officer K. Jhonson called the D.A. himself to inform them that he did not file the charge against me and wanted no parts of the malicious prosecution.

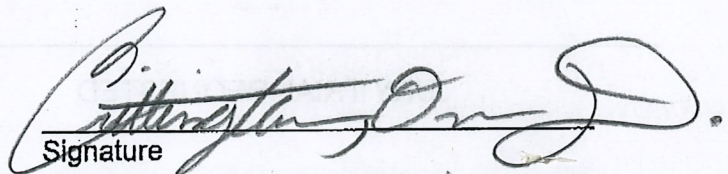
CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was mailed/ delivered to the following individuals at the addresses listed:

I declare under penalty of perjury that the information contained in this statement is true and accurate to the best of my knowledge. I also declare under penalty of perjury that a copy of this document was mailed to:
CLERK OF COURT, ROOM 210, 402 W. TRADE ST., Charlotte NC 28202

J. Georg Guise counsel for the MCSO at address;
700 East Fourth st. Charlotte N.C. 28202

This the _____ day of _____, 20_____.


Signature

Omar D. Crittington
(Print Name)

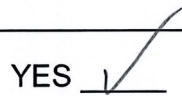
G. REQUEST FOR RELIEF

I believe I am entitled to the following relief:

I am Seeking \$20 million in damages from each Defendant.

JURY TRIAL REQUESTED

YES



NO

Signed at

Mecklenburg County Detention Center

POD 5800 Cell #32

on

04 November 2024.

(Location)

(Date)

Signature

Address:

P.O. Box 34429

Charlotte, N.C. 28234

Phone:

E-Mail: